

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PEGGY SKIDMORE,)	
)	
Plaintiff,)	
)	CASE NO.: 1:20-cv-03061
v.)	
)	
HOBBY LOBBY STORES, INC.,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1332, 1441, and 1446, removing party, HOBBY LOBBY STORES, INC. (“Hobby Lobby”), by counsel, hereby files this Notice of Removal to remove the above-entitled action to this Court based upon the following supporting grounds. Hobby Lobby, appearing solely for the purpose of this removal, and for no other purpose, and preserving all other defenses available to it, states as follows:

VENUE

1. Removal to the Southern District of Indiana, Indianapolis Division, is appropriate pursuant to 28 U.S.C. § 1441(a), because the Southern District of Indiana, Indianapolis Division, embraces the County of Monroe, where the action was pending prior to the filing of this Notice of Removal.

STATE COURT PROCEEDINGS

2. On October 26, 2020, Plaintiff Peggy Skidmore (hereinafter “Plaintiff”) filed her Complaint in the above-entitled action against Hobby Lobby in the Monroe County, Indiana Circuit Court, which is currently pending under Cause No. 53C01-2010-CT-002003.

3. On or about November 3, 2020, Hobby Lobby was served by certified mail with a Summons and Complaint in the above-entitled action via its registered agent, Corporation Service Company. Therefore, removal is timely under 28 U.S.C. § 1446 (b)(1).

4. Pursuant to S.D. Ind. L.R. 81-2(d), Hobby Lobby asserts that there are no state court motions that remain pending at the time of this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

5. This is a civil action that falls within the Court’s original jurisdiction under 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship under 28 U.S.C. §§ 1441 and 1446.

6. Plaintiff Peggy Skidmore is a citizen of the State of Indiana.

7. Defendant Hobby Lobby Stores, Inc. is an Oklahoma corporation with its principle place of business in Oklahoma City, Oklahoma.

8. There is complete diversity of citizenship between the parties named in this case.

9. Plaintiff’s Complaint for Damages does not demand a specific sum of monetary damages, as the State of Indiana does not permit a demand for a specific sum or permit recovery of damages in excess of the amount demanded. Therefore, this Notice of Removal states that the monetary value of the amount in controversy exceeds \$75,000, exclusive of interest and costs, based upon the following.

- a. Plaintiff claims to have suffered serious personal injuries which are or may be permanent.

- b. Plaintiff claims she has incurred medical expenses, lost wages, and other special expenses, and will continue to incur these same expenses in the future.
- c. Plaintiff's counsel has advised Plaintiff has undergone surgery and physical therapy stemming from her claimed injuries, and expects treatment to continue in the future.
- d. Plaintiff's counsel was unwilling to agree that the amount in controversy is less than \$75,000.

10. Based upon the injuries alleged and damages claimed by Plaintiff, she seeks recovery in excess of \$75,000 exclusive of interest and costs, the value to Plaintiff of the relief sought in the Complaint exceeds \$75,000 exclusive of interest and costs, and/or the amount in controversy exceeds \$75,000 exclusive of interest and costs.

11. Therefore, this state court action is properly removed to this Court in accordance with 28 U.S.C. §§ 1441 and 1446 because: (1) this action is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Indiana, Indianapolis Division; (2) this action is between citizens of different States; (3) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

STATUTORY REQUIREMENTS

12. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2, a copy of the entire state court file is attached as an Exhibit and includes the State Court Record as of the date of this Notice of Removal, including the following: Plaintiff's Complaint, Appearance, Summons to Defendants, and Return of Service.

13. Pursuant to S.D. Ind. L.R. 81-2(c), a copy of the operative Complaint is also attached hereto as a separate Exhibit to this Notice of Removal.

14. A copy of this Notice of Removal has been filed in the Monroe County Circuit Court and all parties have been served with both this Notice of Removal and the Notice of Filing Notice of Removal.

WHEREFORE, Defendant, HOBBY LOBBY STORES, INC., by counsel, respectfully requests that the above-entitled action be removed from the Monroe County Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division.

LEWIS WAGNER, LLP

By: /s/Katherine S. Strawbridge
KATHERINE S. STRAWBRIDGE, #30123-49
Counsel for Hobby Lobby Stores, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020, a copy of the foregoing Notice of Removal was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

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